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RIVERSIDE, SHAWN HUBACHEK,  
and JIMMIE MCGUIRE

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

S.L. a minor by and through the Guardian  
Ad Litem Kristine Llamas Leyva,  
individually and as successor-in-interest to  
JOHNNY RAY LLAMAS, deceased;  
V.L., by and through the Guardian Ad  
Litem Amber Sietsinger, individually and  
as successor-in-interest to JOHNNY RAY  
LLAMAS deceased; and CAROLYN  
CAMPBELL, individually,

Plaintiffs,

VS.

COUNTY OF RIVERSIDE; and DOES  
110, inclusive,

Defendants.

Case No.: 5:24-cv-00249-SHK  
*Hon. Shashi H. Kewalramani*

**DEFENDANTS COUNTY OF  
RIVERSIDE, SHAWN HUBACHEK,  
AND JIMMIE MCGUIRE'S  
ANSWER TO PLAINTIFFS' FIRST  
AMENDED COMPLAINT;  
DEMAND FOR JURY TRIAL**

*Action Filed: 02/01/2024*

Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants  
County of Riverside, Shawn Hubachek, and Jimmie McGuire ("Defendants")  
answers the First Amended Complaint ("FAC") of Plaintiffs ("Plaintiffs"). If an  
averment is not specifically admitted, it is hereby denied.

**ANSWER TO FAC**

1. Answering Paragraph 1, Defendants admit that this Court has original  
jurisdiction of plaintiffs' federal claims pursuant to 28 U.S.C. § 1331 and §1343(a)(3)-

**DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT; DEMAND FOR JURY  
TRIAL**

1 (4), and that this Court has supplemental jurisdiction of plaintiffs' state law claims  
2 pursuant to 28 U.S.C. § 1367(a). Except as expressly admitted herein, Defendants  
3 deny each and every allegation contained therein.

4 2. Answering Paragraph 2, Defendants admit that venue is proper before  
5 this Court. Except as expressly admitted herein, Defendants deny each and every  
6 allegation contained therein.

7 3. Answering Paragraph 3, Defendants lack sufficient knowledge or  
8 information to form a belief concerning the truth of the factual allegations contained  
9 therein and on that basis deny such allegations. Paragraph 3 further contains legal  
10 conclusions and argument as to which no response is required.

11 4. Answering Paragraph 4, Defendants lack sufficient knowledge or  
12 information to form a belief concerning the truth of the factual allegations contained  
13 therein and on that basis deny such allegations.

14 5. Answering Paragraph 5, Defendants lack sufficient knowledge or  
15 information to form a belief concerning the truth of the factual allegations contained  
16 therein and on that basis deny such allegations.

17 6. Answering Paragraph 6, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations.

20 7. Answering Paragraph 7, Defendants lack sufficient knowledge or  
21 information to form a belief concerning the truth of the factual allegations contained  
22 therein and on that basis deny such allegations.

23 8. Answering Paragraph 8, Defendants lack sufficient knowledge or  
24 information to form a belief concerning the truth of the factual allegations contained  
25 therein and on that basis deny such allegations.

26 9. Answering Paragraph 9, Defendants admit that at all relevant times the  
27 COUNTY OF RIVERSIDE was a public entity organized and existing under the laws  
28

1 of the state of California. Except as expressly admitted herein, Defendants deny each  
2 and every allegation contained therein.

3 10. Answering Paragraph 10, Defendants admit that SHAWN HUBACHEK  
4 and JIMMIE MCGUIRE at all times relevant to the operative FAC were employees  
5 of the COUNTY OF RIVERSIDE acting within the course and scope of their  
6 employment. Except as expressly admitted herein, Defendants deny each and every  
7 allegation contained therein.

8 11. Answering Paragraph 11, Defendants lack sufficient knowledge or  
9 information to form a belief concerning the truth of the factual allegations contained  
10 therein and on that basis deny such allegations. Paragraph 11 further contains legal  
11 conclusions and argument as to which no response is required.

12 12. Answering Paragraph 12, Defendants lack sufficient knowledge or  
13 information to form a belief concerning the truth of the factual allegations contained  
14 therein and on that basis deny such allegations.

15 13. Answering Paragraph 13, Defendants lack sufficient knowledge or  
16 information to form a belief concerning the truth of the factual allegations contained  
17 therein and on that basis deny such allegations. Paragraph 13 further contains legal  
18 conclusions and argument as to which no response is required.

19 14. Answering Paragraph 14, Defendants lack sufficient knowledge or  
20 information to form a belief concerning the truth of the factual allegations contained  
21 therein and on that basis deny such allegations. Paragraph 14 further contains legal  
22 conclusions and argument as to which no response is required.

23 15. Answering Paragraph 15, Defendants lack sufficient knowledge or  
24 information to form a belief concerning the truth of the factual allegations contained  
25 therein and on that basis deny such allegations. Paragraph 15 further contains legal  
26 conclusions and argument as to which no response is required.

27 16. Answering Paragraph 16, Defendants lack sufficient knowledge or  
28 information to form a belief concerning the truth of the factual allegations contained

1 therein and on that basis deny such allegations. Paragraph 16 further contains legal  
2 conclusions and argument as to which no response is required.

3 17. Answering Paragraph 17, Defendants repeat, reiterate, and re-allege all  
4 of the admissions and denials contained in the foregoing Answer which are set forth  
5 to each and every allegation contained in paragraphs 1 through 16, inclusive, of the  
6 FAC.

7 18. Answering Paragraph 18, Defendants lack sufficient knowledge or  
8 information to form a belief concerning the truth of the factual allegations contained  
9 therein and on that basis deny such allegations.

10 19. Answering Paragraph 19, Defendants lack sufficient knowledge or  
11 information to form a belief concerning the truth of the factual allegations contained  
12 therein and on that basis deny such allegations.

13 20. Answering Paragraph 20, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 20 further contains legal  
16 conclusions and argument as to which no response is required.

17 21. Answering Paragraph 21, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 21 further contains legal  
20 conclusions and argument as to which no response is required.

21 22. Answering Paragraph 22, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 22 further contains legal  
24 conclusions and argument as to which no response is required.

25 23. Answering Paragraph 23, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 23 further contains legal  
28 conclusions and argument as to which no response is required.

1           24. Answering Paragraph 24, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 24 further contains legal  
4 conclusions and argument as to which no response is required.

5           25. Answering Paragraph 25, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 25 further contains legal  
8 conclusions and argument as to which no response is required.

9           26. Answering Paragraph 26, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 26 further contains legal  
12 conclusions and argument as to which no response is required.

13           27. Answering Paragraph 27, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 27 further contains legal  
16 conclusions and argument as to which no response is required.

17           28. Answering Paragraph 28, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 28 further contains legal  
20 conclusions and argument as to which no response is required.

21           29. Answering Paragraph 29, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 29 further contains legal  
24 conclusions and argument as to which no response is required.

25           30. Answering Paragraph 30, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 30 further contains legal  
28 conclusions and argument as to which no response is required.

1           31. Answering Paragraph 31, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 31 further contains legal  
4 conclusions and argument as to which no response is required.

5           32. Answering Paragraph 32, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 32 further contains legal  
8 conclusions and argument as to which no response is required.

9           33. Answering Paragraph 33, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 33 further contains legal  
12 conclusions and argument as to which no response is required.

13           34. Answering Paragraph 34, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 34 further contains legal  
16 conclusions and argument as to which no response is required.

17           35. Answering Paragraph 35, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 35 further contains legal  
20 conclusions and argument as to which no response is required.

21           36. Answering Paragraph 36, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 36 further contains legal  
24 conclusions and argument as to which no response is required.

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1           37. Answering Paragraph 37, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations.

4           38. Answering Paragraph 38, Defendants repeat, reiterate, and re-allege all  
5 of the admissions and denials contained in the foregoing Answer which are set forth  
6 to each and every allegation contained in paragraphs 1 through 37, inclusive, of the  
7 FAC.

8           39. Answering Paragraph 39, Defendants lack sufficient knowledge or  
9 information to form a belief concerning the truth of the factual allegations contained  
10 therein and on that basis deny such allegations. Paragraph 39 further contains legal  
11 conclusions and argument as to which no response is required.

12           40. Answering Paragraph 40, Defendants lack sufficient knowledge or  
13 information to form a belief concerning the truth of the factual allegations contained  
14 therein and on that basis deny such allegations. Paragraph 40 further contains legal  
15 conclusions and argument as to which no response is required.

16           41. Answering Paragraph 41, Defendants lack sufficient knowledge or  
17 information to form a belief concerning the truth of the factual allegations contained  
18 therein and on that basis deny such allegations. Paragraph 41 further contains legal  
19 conclusions and argument as to which no response is required.

20           42. Answering Paragraph 42, Defendants lack sufficient knowledge or  
21 information to form a belief concerning the truth of the factual allegations contained  
22 therein and on that basis deny such allegations. Paragraph 42 further contains legal  
23 conclusions and argument as to which no response is required.

24           43. Answering Paragraph 43, Defendants lack sufficient knowledge or  
25 information to form a belief concerning the truth of the factual allegations contained  
26 therein and on that basis deny such allegations. Paragraph 43 further contains legal  
27 conclusions and argument as to which no response is required.

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1           44. Answering Paragraph 44, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 44 further contains legal  
4 conclusions and argument as to which no response is required.

5           45. Answering Paragraph 45, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 45 further contains legal  
8 conclusions and argument as to which no response is required.

9           46. Answering Paragraph 46, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 46 further contains legal  
12 conclusions and argument as to which no response is required.

13           47. Answering Paragraph 47, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 47 further contains legal  
16 conclusions and argument as to which no response is required.

17           48. Answering Paragraph 48, Defendants repeat, reiterate, and re-allege all  
18 of the admissions and denials contained in the foregoing Answer which are set forth  
19 to each and every allegation contained in paragraphs 1 through 47, inclusive, of the  
20 FAC..

21           49. Answering Paragraph 49, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 49 further contains legal  
24 conclusions and argument as to which no response is required.

25           50. Answering Paragraph 50, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 50 further contains legal  
28 conclusions and argument as to which no response is required

1           51. Answering Paragraph 51, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 51 further contains legal  
4 conclusions and argument as to which no response is required.

5           52. Answering Paragraph 52, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 52 further contains legal  
8 conclusions and argument as to which no response is required.

9           53. Answering Paragraph 53, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 53 further contains legal  
12 conclusions and argument as to which no response is required.

13           54. Answering Paragraph 54, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 54 further contains legal  
16 conclusions and argument as to which no response is required.

17           55. Answering Paragraph 55, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 55 further contains legal  
20 conclusions and argument as to which no response is required.

21           56. Answering Paragraph 56, Defendants repeat, reiterate, and re-allege all  
22 of the admissions and denials contained in the foregoing Answer which are set forth  
23 to each and every allegation contained in paragraphs 1 through 55, inclusive, of the  
24 FAC.

25           57. Answering Paragraph 57, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 57 further contains legal  
28 conclusions and argument as to which no response is required.

1           58. Answering Paragraph 58, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 58 further contains legal  
4 conclusions and argument as to which no response is required.

5           59. Answering Paragraph 59, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 59 further contains legal  
8 conclusions and argument as to which no response is required.

9           60. Answering Paragraph 60, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 60 further contains legal  
12 conclusions and argument as to which no response is required.

13           61. Answering Paragraph 61, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 61 further contains legal  
16 conclusions and argument as to which no response is required.

17           62. Answering Paragraph 62, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 62 further contains legal  
20 conclusions and argument as to which no response is required.

21           63. Answering Paragraph 63, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 63 further contains legal  
24 conclusions and argument as to which no response is required.

25           64. Answering Paragraph 64, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 64 further contains legal  
28 conclusions and argument as to which no response is required.

1           65. Answering Paragraph 65, Defendants repeat, reiterate, and re-allege all  
2 of the admissions and denials contained in the foregoing Answer which are set forth  
3 to each and every allegation contained in paragraphs 1 through 64, inclusive, of the  
4 FAC.

5           66. Answering Paragraph 66, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 66 further contains legal  
8 conclusions and argument as to which no response is required.

9           67. Answering Paragraph 67, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 67 further contains legal  
12 conclusions and argument as to which no response is required.

13           68. Answering Paragraph 68, including subsections (a) – (g), Defendants  
14 lack sufficient knowledge or information to form a belief concerning the truth of the  
15 factual allegations contained therein and on that basis deny such allegations.  
16 Paragraph 68 further contains legal conclusions and argument as to which no response  
17 is required.

18           69. Answering Paragraph 69, Defendants lack sufficient knowledge or  
19 information to form a belief concerning the truth of the factual allegations contained  
20 therein and on that basis deny such allegations. Paragraph 69 further contains legal  
21 conclusions and argument as to which no response is required.

22           70. Answering Paragraph 70, Defendants lack sufficient knowledge or  
23 information to form a belief concerning the truth of the factual allegations contained  
24 therein and on that basis deny such allegations. Paragraph 70 further contains legal  
25 conclusions and argument as to which no response is required.

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1           71. Answering Paragraph 71, including subsections (a) – (l), Defendants lack  
2 sufficient knowledge or information to form a belief concerning the truth of the factual  
3 allegations contained therein and on that basis deny such allegations. Paragraph 71  
4 further contains legal conclusions and argument as to which no response is required.

5           72. Answering Paragraph 72, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 72 further contains legal  
8 conclusions and argument as to which no response is required.

9           73. Answering Paragraph 73, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 73 further contains legal  
12 conclusions and argument as to which no response is required.

13           74. Answering Paragraph 74, Defendants repeat, reiterate, and re-allege all  
14 of the admissions and denials contained in the foregoing Answer which are set forth  
15 to each and every allegation contained in paragraphs 1 through 73, inclusive, of the  
16 FAC.

17           75. Answering Paragraph 75, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 75 further contains legal  
20 conclusions and argument as to which no response is required.

21           76. Answering Paragraph 76, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 76 further contains legal  
24 conclusions and argument as to which no response is required.

25           77. Answering Paragraph 77, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 77 further contains legal  
28 conclusions and argument as to which no response is required.

1           78. Answering Paragraph 78, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 78 further contains legal  
4 conclusions and argument as to which no response is required.

5           79. Answering Paragraph 79, including subsections (a) – (l), Defendants lack  
6 sufficient knowledge or information to form a belief concerning the truth of the factual  
7 allegations contained therein and on that basis deny such allegations. Paragraph 79  
8 further contains legal conclusions and argument as to which no response is required.

9           80. Answering Paragraph 80, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 80 further contains legal  
12 conclusions and argument as to which no response is required.

13           81. Answering Paragraph 81, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 81 further contains legal  
16 conclusions and argument as to which no response is required.

17           82. Answering Paragraph 82, Defendants repeat, reiterate, and re-allege all  
18 of the admissions and denials contained in the foregoing Answer which are set forth  
19 to each and every allegation contained in paragraphs 1 through 81, inclusive, of the  
20 FAC.

21           83. Answering Paragraph 83, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 83 further contains legal  
24 conclusions and argument as to which no response is required.

25           84. Answering Paragraph 84, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 84 further contains legal  
28 conclusions and argument as to which no response is required.

1           85. Answering Paragraph 85, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 85 further contains legal  
4 conclusions and argument as to which no response is required.

5           86. Answering Paragraph 86, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 86 further contains legal  
8 conclusions and argument as to which no response is required.

9           87. Answering Paragraph 87, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 87 further contains legal  
12 conclusions and argument as to which no response is required.

13           88. Answering Paragraph 88, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 88 further contains legal  
16 conclusions and argument as to which no response is required.

17           89. Answering Paragraph 89, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 89 further contains legal  
20 conclusions and argument as to which no response is required.

21           90. Answering Paragraph 90, Defendants repeat, reiterate, and re-allege all  
22 of the admissions and denials contained in the foregoing Answer which are set forth  
23 to each and every allegation contained in paragraphs 1 through 89, inclusive, of the  
24 FAC.

25           91. Answering Paragraph 91, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 91 further contains legal  
28 conclusions and argument as to which no response is required.

1           92. Answering Paragraph 92, including subsections (a) – (i), Defendants lack  
2 sufficient knowledge or information to form a belief concerning the truth of the factual  
3 allegations contained therein and on that basis deny such allegations. Paragraph 92  
4 further contains legal conclusions and argument as to which no response is required.

5           93. Answering Paragraph 93, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 93 further contains legal  
8 conclusions and argument as to which no response is required.

9           94. Answering Paragraph 94, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 94 further contains legal  
12 conclusions and argument as to which no response is required.

13           95. Answering Paragraph 95, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 95 further contains legal  
16 conclusions and argument as to which no response is required.

17           96. Answering Paragraph 96, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 96 further contains legal  
20 conclusions and argument as to which no response is required.

21           97. Answering Paragraph 97, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 97 further contains legal  
24 conclusions and argument as to which no response is required.

25           98. Answering Paragraph 98, Defendants repeat, reiterate, and re-allege all  
26 of the admissions and denials contained in the foregoing Answer which are set forth  
27 to each and every allegation contained in paragraphs 1 through 97, inclusive, of the  
28 FAC.

1            99. Answering Paragraph 99, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 99 further contains legal  
4 conclusions and argument as to which no response is required.

5            100. Answering Paragraph 100, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 100 further contains legal  
8 conclusions and argument as to which no response is required.

9            101. Answering Paragraph 101, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 101 further contains legal  
12 conclusions and argument as to which no response is required.

13           102. Answering Paragraph 102, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 102 further contains legal  
16 conclusions and argument as to which no response is required.

17           103. Answering Paragraph 103, Defendants lack sufficient knowledge or  
18 information to form a belief concerning the truth of the factual allegations contained  
19 therein and on that basis deny such allegations. Paragraph 103 further contains legal  
20 conclusions and argument as to which no response is required.

21           104. Answering Paragraph 104, Defendants lack sufficient knowledge or  
22 information to form a belief concerning the truth of the factual allegations contained  
23 therein and on that basis deny such allegations. Paragraph 104 further contains legal  
24 conclusions and argument as to which no response is required.

25           105. Answering Paragraph 105, Defendants lack sufficient knowledge or  
26 information to form a belief concerning the truth of the factual allegations contained  
27 therein and on that basis deny such allegations. Paragraph 105 further contains legal  
28 conclusions and argument as to which no response is required.

1           106. Answering Paragraph 106, Defendants lack sufficient knowledge or  
2 information to form a belief concerning the truth of the factual allegations contained  
3 therein and on that basis deny such allegations. Paragraph 106 further contains legal  
4 conclusions and argument as to which no response is required.

5           107. Answering Paragraph 107, Defendants lack sufficient knowledge or  
6 information to form a belief concerning the truth of the factual allegations contained  
7 therein and on that basis deny such allegations. Paragraph 107 further contains legal  
8 conclusions and argument as to which no response is required.

9           108. Answering Paragraph 108, Defendants lack sufficient knowledge or  
10 information to form a belief concerning the truth of the factual allegations contained  
11 therein and on that basis deny such allegations. Paragraph 108 further contains legal  
12 conclusions and argument as to which no response is required.

13           109. Answering Paragraph 109, Defendants lack sufficient knowledge or  
14 information to form a belief concerning the truth of the factual allegations contained  
15 therein and on that basis deny such allegations. Paragraph 109 further contains legal  
16 conclusions and argument as to which no response is required.

17           110. Answering the Prayer for Relief, including subsections (1) through (9),  
18 Defendants deny that Plaintiffs are entitled to the relief requested, or to any damages  
19 at all, and Defendants deny all liability and/or wrongdoing.

20                           **AFFIRMATIVE DEFENSES**

21           Defendants plead the following separate defenses. Defendants reserve the right  
22 to assert additional affirmative defenses that discovery indicates are proper.

23                           **FIRST AFFIRMATIVE DEFENSE**

24                           **(Tort Claims Act Violation)**

25           1. This action is barred by the plaintiffs' failure to comply with the  
26 government tort claims presentation requirements, California Government Code  
27 § 900, *et seq.*, including but not limited to §§ 900, 900.4, 901, 905, 905.2, 910, 911,  
28 911.2, 911.4, 945.4, 945.6, 946.6, 950.2, and 950.6, to the extent applicable.

**SECOND AFFIRMATIVE DEFENSE**

**(Waiver, Estoppel, Unclean Hands)**

2. Defendants allege that plaintiffs' actions are barred by reason of conduct, actions and inactions of plaintiff(s) which amount to and constitute a waiver of any right plaintiffs may or might have had in reference to the matters and things alleged in the FAC, or that otherwise estop plaintiffs from recovery in this action, including but not limited to the doctrine of unclean hands.

**THIRD AFFIRMATIVE DEFENSE**

**(Failure to Mitigate Damages)**

3. Plaintiffs' claims are barred or limited to the extent plaintiffs failed to mitigate plaintiffs' injuries or damages, if there were any. Plaintiffs have failed to mitigate the damages, if any, which plaintiffs have sustained, and to exercise reasonable care to avoid the consequences of harms, if any, in that, among other things, plaintiffs have failed to use reasonable diligence in caring for any injuries, failed to use reasonable means to prevent aggravation of any injuries, and failed to take reasonable precautions to reduce any injuries and damages.

**FOURTH AFFIRMATIVE DEFENSE**

**(Contributory and/or Comparative Liability)**

4. Plaintiffs' claims are barred or limited by plaintiff's contributory/comparative negligence or other conduct, acts, or omissions, and to the extent the plaintiffs suffered any injury or damages, it was the result of plaintiffs' decedent's own negligent or deliberate actions or omissions.

5. Plaintiffs' recovery is barred because any injury or damage suffered by plaintiffs was caused solely by reason of the plaintiffs' decedent's wrongful acts and conduct and the willful resistance to a sworn peace officer in the discharge of their duties.

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**FIFTH AFFIRMATIVE DEFENSE**

**(Public Entity/Employee Immunity for Discretionary Acts)**

6. There is no liability for any injury or damages, if there were any, resulting from an exercise of discretion vested in a public employee, whether or not such discretion be abused. Gov. Code § 815.2, 820.2, 820.4, 820.8, 820 *et seq.*

7. Plaintiffs' recovery is barred because public entities and employees are immune from liability for discharging their mandatory duties with reasonable diligence.

8. Plaintiffs' recovery is barred because public entities and employees are immune from liability for any injury caused by the act or omission of another person. Gov. Code §§ 815 *et. seq.*, 820 *et. seq.*

9. Defendants are immune for any detriment resulting from any of their actions or omissions at the time of the incident of which plaintiffs complain pursuant to Government Code § 810 *et seq.*, 815 *et seq.*, 820 *et seq.*, and 845 *et seq.*, including, but not limited to, §§ 810, 810.2, 810.4, 810.6, 810.8, 811, 811.2, 811.4, 811.6, 811.8, 820.6, 820.8, 821, 821.2, 821.4, 821.6, 821.8, 822.2, 830.5, 830.6, 835.4, 844.6, and Government Code §§ 854, *et seq.*, including, but not limited to, §§ 845.6, 845.8, 854.8(a)(2), and §§ 855.4, 855.6, 855.8 and 856.4.

**SIXTH AFFIRMATIVE DEFENSE**

**(Qualified Immunity & Good Faith Immunity)**

10. The individual deputies are immune from liability under the Federal Civil Rights Act because they acted in good faith with an honest and reasonable belief that their actions were necessary and appropriate. Defendants are immune from liability under the Federal Civil Rights Act because a reasonable peace officer could believe that his acts and conduct were objectively reasonable under the totality of the circumstances. Defendants are immune from liability under the Federal Civil Rights Act because their conduct did not violate clearly established rights of which a reasonable deputy would have known.

1 11. At all relevant times, the involved deputies acted within the scope of  
2 discretion, with due care, and good faith fulfillment of responsibilities pursuant to  
3 applicable statutes, rules and regulation, within the bounds of reason, and with the  
4 good faith belief that their actions comported with all applicable federal and state  
5 laws.

6 **SEVENTH AFFIRMATIVE DEFENSE**

7 **(Assumption of Risk)**

8 12. At the time and place referred to in the FAC, and before such event,  
9 plaintiffs' decedent knew, appreciated, and understood each and every risk involved  
10 in placing himself in the position which plaintiff then assumed, and willingly,  
11 knowingly, and voluntarily assumed each of such risks, including, but not limited to,  
12 the risk of suffering personal bodily injury and/or lawful deprivation of right(s).

13 **EIGHTH AFFIRMATIVE DEFENSE**

14 13. To the extent that the FAC attempts to predicate liability upon the public  
15 entity defendant or any employees thereof for purported negligence in retention,  
16 hiring, employment, training, or supervision of any public employee, such liability is  
17 barred by Government Code §§ 815.2 and 820.2 and *Herndon v. County of Marin*  
18 (1972) 25 Cal. App. 3d 933, 935, 936, *rev'd on other grounds by Sullivan v. County*  
19 *of Los Angeles* (1974) 12 Cal.3d 710; and by the lack of any duty running to plaintiffs;  
20 and by the fact that any such purported act or omission is governed exclusively by  
21 statute and is outside the purview of any public employees' authority; and by the  
22 failure of any such acts or omissions to be the proximate or legal cause of any injury  
23 alleged in the FAC. *See de Villers v. County of San Diego*, 156 Cal.App.4th 238, 251-  
24 253, 255-256 (2007).

25 **NINTH AFFIRMATIVE DEFENSE**

26 14. Defendants may not be held liable on a *respondeat superior* theory for  
27 any negligent or wrongful act or omission on the part of any subordinate. Cal. Govt.  
28 Code §§ 844.6, 845.6; Cal. Civil Code § 2351; *Malloy v. Fong* (1951) 37 Cal.2d 356,

1 378-379; *Monell v. Department of Social Services of the City of New York* (1978) 436  
2 U.S. 658; *Larez v. City of Los Angeles* (9th Cir. 1991) 946 F.2d 630, 645-646; *cf. City*  
3 *of Canton v. Harris*, 489 U.S. 378, 388-389 (1989); *City of Los Angeles v. Heller*,  
4 475 U.S. 796 (1986).

5 **TENTH AFFIRMATIVE DEFENSE**

6 15. The plaintiffs' claims related to a peace officer's use of force are barred  
7 because a peace officer making a detention or arrest need not retreat in the face of a  
8 suspect's resistance and cannot be deemed to be the aggressor or lose his right to  
9 lawful self-defense and/or defense of others by using force.

10 16. Defendants contend that they cannot fully anticipate all affirmative  
11 defenses that may be applicable to this action based on the conclusory terms used in  
12 plaintiffs' FAC. Accordingly, Defendants expressly reserve the right to assert  
13 additional affirmative defenses if and to the extent that such affirmative defenses  
14 become applicable.

15 WHEREFORE, Defendants pray for relief as follows:

- 16 1. That the FAC be dismissed with prejudice and in its entirety;  
17 2. That Plaintiffs take nothing by reason of this FAC and that judgment be  
18 entered against Plaintiffs and in favor of Defendants;  
19 3. That Defendants be awarded costs incurred in defending this action;  
20 4. That Defendants be granted such other and further relief as the Court  
21 may deem just and proper.

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1 DATED: October 16, 2024

**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**

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3  
4 By: /s/ Eugene Ramirez

Eugene P. Ramirez

Lynn L. Carpenter

Kayleigh Anderson

5 Attorneys for Defendants, COUNTY OF  
6 RIVERSIDE, SHAWN HUBACHEK, and  
7 JIMMIE MCGUIRE  
8

9  
10 **DEMAND FOR JURY TRIAL**

11 Defendants County of Riverside, Shawn Hubachek, and Jimmie McGuire,  
12 hereby demand trial of this matter by jury.

13 DATED: October 16, 2024

**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**

14  
15  
16 By: /s/ Eugene Ramirez

Eugene P. Ramirez

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